

¶120.33 **BILLS PASSED AND RESOLUTION AGREED TO**

The bill of the following title was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed:

H.R. 5923. A bill for the relief of Anna C. Massari.

*Ordered*, That the Clerk request the concurrence of the Senate in said bill.

The bill of the Senate of the following title was considered, read twice, ordered to be read a third time, was read a third time by title, and passed:

S. 1181. An Act for the relief of Christy Carl Hallien of Arlington, Texas.

*Ordered*, That the Clerk notify the Senate thereof.

The bills of the following titles were severally considered, read twice; the amendments following each were agreed to, and the bills, as amended, were ordered to be engrossed and read a third time, were severally read a third time by title, and passed:

H.R. 3336. A bill for the relief of Florence Adeboyeku.

Amendment in the nature of a substitute offered by the Committee on the Judiciary:

Strike out all after the enacting clause and insert the following:

**SECTION 1. PERMANENT RESIDENCE STATUS FOR FLORENCE ADEBOYEKU.**

(a) IN GENERAL.—Subject to subsection (b), for the purposes of the Immigration and Nationality Act, Florence Adeboyeku shall be considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee.

(b) DEADLINE FOR APPLICATION.—Subsection (a) shall only apply if she applies to the Attorney General for permanent residence status under such subsection within two years after the date of the enactment of this Act.

With the following committee amendment in the nature of a substitute:

Strike out all after the enacting clause and insert:

**SECTION 1. PERMANENT RESIDENT STATUS FOR FLORENCE ADEBOYEKU**

(a) IN GENERAL.—Subject to subsection (b), for the purposes of section 204 of the Immigration and Nationality Act, Florence Adeboyeku shall be considered to be an immediate relative within the meaning of section 201(b) of such Act upon the filing of a petition under section 204 of such Act.

(b) DEADLINE FOR APPLICATION.—Subsection (a) shall apply only if Florence Adeboyeku files such petition on her own behalf within two years after the date of enactment of this Act.

(c) ADJUSTMENT OF STATUS.—Florence Adeboyeku shall be considered to have been lawfully admitted to the United States and, notwithstanding section 245(c) of the Immigration and Nationality Act, shall be eligible for processing under section 245 of such Act upon approval of the petition filed under subsection (a).

(d) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Florence Adeboyeku shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

H.R. 5164. A bill for the relief of Craig B. Sorensen and Nita M. Sorensen.

Amendment in the nature of a substitute offered by the Committee on the Judiciary:

Strike out all after the enacting clause and insert the following:

Notwithstanding the time limitation set forth in the item relating to "DEPARTMENT OF AGRICULTURE—FOREST SERVICE—SETTLEMENT OF CLAIMS, FOREST SERVICE" in Public Law 101-302 (104 Stat. 230), the claim against the United States filed by Craig B. Sorensen, and Nita M. Sorensen of Salt Lake City, Utah, for damages resulting from the Clover-Mist Fire, dated March 17, 1989, but not received by the Forest Service until September of 1990, shall be considered to have been timely filed.

H.R. 5749. A bill for the relief of Krishanthi Sava Kopp.

Amendment in the nature of a substitute offered by the Committee on the Judiciary:

Strike out all after the enacting clause and insert the following:

**SECTION 1. CITIZENSHIP FOR KRISHANTHI SAVA KOPP.**

(a) IN GENERAL.—Notwithstanding any other provisions of law, and subject to subsection (b), Krishanthi Sava Kopp may be naturalized and issued a certificate of naturalization as a citizen of the United States by taking the oath required by section 337 of the Immigration and Nationality Act in the manner prescribed by such section.

(b) DEADLINE FOR APPLICATION.—Subsection (a) shall apply only if Krishanthi Sava Kopp applies to take the oath referred to in such subsection by submitting the required form within the 2-year period beginning on the date of the enactment of this Act.

(c) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Krishanthi Sava Kopp shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

*Ordered*, That the Clerk request the concurrence of the Senate in said bills, severally.

The following resolution (H. Res. 568) was considered, read twice; the amendments following were agreed to, and the resolution, as amended, was agreed to:

*Resolved*, That the bill (H.R. 5953) entitled "A bill for the relief of Donald W. Sneed, Mary S. Sneed, and Henry C. Best", now pending in the House of Representatives, together with all accompanying papers, is referred to the chief judge of the United States Claims Court pursuant to section 1492 of title 28, United States Code, for proceedings in accordance with section 2509 of such title.

Amendments offered by the Committee on the Judiciary:

Page 1, line 1, strike "5953" and insert "6012".

Page 1, line 1, insert "(a)" after "That".

Page 1, add the following after line 8:

(b) In conducting its proceedings concerning H.R. 6012 in accordance with section 2509 of title 28, United States Code, the United States Claims Court may recommend the payment of money under the bill, notwithstanding provisions in an agreement dated June 5, 1986, between the United States and the contractor, J. Lawson Jones Construction Co., Inc., on behalf of its subcontractor, Lincoln Construction Company, Inc., that the contractor agreed to release the Government from all claims arising out of the contract dispute and that the agreement con-

stituted a full accord and satisfaction of all the contractors' claims against the United States. In determining whether such provisions in the agreement should bar the award of any additional money, the Claims Court shall determine whether the United States acted in bad faith in settling the claim, knowing that at the time of the settlement negotiations Lincoln Construction Company, Inc., because of its obligations to pay debts pursuant to a bankruptcy proceeding, was constrained to accept even an unreasonable settlement offer.

The title of the resolution was amended so as to read: "Resolution referring the bill (H.R. 6012) for the relief of Donald W. Sneed, Mary S. Sneed, and Henry C. Best, to the chief judge of the United States Court."

¶120.34 **BILLS RECOMMITTED**

Two objections being made against the consideration of the bills of the following titles, said bills were recommitted to the Committee on the Judiciary:

H.R. 1100. A bill for the relief of Luis Fernando Bernate Christopher.

H.R. 1123. A bill for the relief of Howard W. Waite.

H.R. 1280. A bill for the relief of Earl B. Chappell, Jr.

¶120.35 **BILLS PASSED OVER**

By unanimous consent, the bills of the following titles were severally passed over without prejudice and retain their places on the Private Calendar:

H.R. 760. A bill to permit Willie C. Harris to present a claim against the United States in the manner provided for in chapter 171 of title 28, United States Code, and for other purposes.

H.R. 2345. A bill for the relief of William A. Kubrick.

H.R. 3005. A bill to clear impediments to the licensing of a vessel for employment in the coastwise trade and fisheries of the United States.

H.R. 3086. A bill to clear impediments to the licensing of a vessel for employment in the coastwise trade and fisheries of the United States.

H.R. 4191. A bill to clear certain impediments to the licensing of a vessel SOUTHERN YANKEE for employment in the coastwise trade of the United States.

H.R. 4469. A bill to clear certain impediments to the licensing of a vessel HAZANA for employment in the coastwise trade of the United States.

H.R. 4719. A bill to authorize issuance of a certificate of documentation for employment in the coastwise trade of the United States for the vessel 50-50.

H.R. 4802. A bill to authorize issuance of a certificate of documentation for employment in the coastwise trade of the United States for the vessel MARIPOSA.

H.R. 4987. A bill to clear impediments to the licensing of a vessel for employment in the coastwise trade and fisheries of the United States.

H.R. 5094. A bill to authorize issuance of a certificate of documentation for employment in the coastwise trade of the United States for the vessel A WEIGH OF LIFE.

H.R. 5128. A bill to authorize a certificate of documentation for the vessel REDDY JANE.

H.R. 5148. A bill to clear certain impediments to the licensing of a vessel for employment in the coastwise trade and fisheries of the United States.

H.R. 5163. A bill to authorize issuance of a certificate of documentation for employment in the coastwise trade of the United States for the vessel WILD GOOSE.

H.R. 5190. A bill to clear certain impediments to the licensing of a vessel for employment in the coastwise trade and fisheries of the United States.

H.R. 5197. A bill to clear certain impediments to the licensing of a vessel for employment in the coastwise trade and fisheries of the United States.

H.R. 5226. A bill to authorize a certificate of documentation for the vessel TOUCH OF CLASS.

H.R. 5227. A bill to authorize a certificate of documentation for the vessel LIQUID GOLD.

H.R. 5228. A bill to authorize a certificate of documentation for the vessel DELPHINUS II.

H.R. 5358. A bill to authorize issuance of a certificate of documentation for employment in the coastwise trade of the United States for the vessel CAMINANTE.

H.R. 5359. A bill for the relief of the heirs and assigns of Hattie Davis Rogers of the Nez Perce Indian Reservation, Idaho.

H.R. 5410. A bill to clear certain impediments to the licensing of a vessel for employment in the coastwise trade and fisheries of the United States.

H.R. 5425. A bill to authorize issuance of a certificate of documentation for employment in the coastwise trade of the United States for the vessel HIGH CALIBRE.

Motions severally made to reconsider the votes whereby each bill and resolution on the Private Calendar was disposed of today were, by unanimous consent, laid on the table.

#### 120.36 PROVIDING FOR THE CONSIDERATION OF H.R. 2321

Mr. HALL of Ohio, by direction of the Committee on Rules, called up the following resolution (H. Res. 596):

*Resolved*, That upon the adoption of this resolution the bill (H.R. 2321) to establish the Dayton Aviation Heritage National Historical Park in the State of Ohio, and for other purposes, be, and the same is hereby, taken from the Speaker's table to the end that the Senate amendments thereto be, and the same are hereby, agreed to.

When said resolution was considered.

After debate,

On motion of Mr. HALL of Ohio, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

#### 120.37 DRIFTNET FISHERY CONSERVATION PROGRAM

Mr. STUDDS moved to suspend the rules and agree to the following amendment of the Senate to the House amendments to the amendment of the Senate to the bill (H.R. 2152) to enhance the effectiveness of the United Nations international driftnet fishery conservation program:

In lieu of the matter proposed to be inserted by the House amendment to the Senate amendment to the text of the bill, insert:

##### SECTION 1. SHORT TITLE.

*This Act may be cited as the "High Seas Driftnet Fisheries Enforcement Act".*

##### SEC. 2. FINDINGS AND POLICY.

(a) FINDINGS.—Congress makes the following findings:

(1) Large-scale driftnet fishing on the high seas is highly destructive to the living marine resources and ocean ecosystems of the world's oceans, including anadromous fish and other living marine resources of the United States.

(2) The cumulative effects of large-scale driftnet fishing pose a significant threat to the marine ecosystem, and slow-reproducing species like marine mammals, sharks, and seabirds may require many years to recover.

(3) Members of the international community have reviewed the best available scientific data on the impacts of large-scale pelagic driftnet fishing, and have failed to conclude that this practice has no significant adverse impacts which threaten the conservation and sustainable management of living marine resources.

(4) The United Nations, via General Assembly Resolutions numbered 44-225, 45-197, and most recently 46-215 (adopted on December 20, 1991), has called for a worldwide moratorium on all high seas driftnet fishing by December 31, 1992, in all the world's oceans, including enclosed seas and semi-enclosed seas.

(5) The United Nations has commended the unilateral, regional, and international efforts undertaken by members of the international community and international organizations to implement and support the objectives of the General Assembly resolutions.

(6) Operative paragraph (4) of United Nations General Assembly Resolution numbered 46-215 specifically "encourages all members of the international community to take measures individually and collectively to prevent large-scale pelagic driftnet fishing operations on the high seas of the world's oceans and seas".

(7) The United States, in section 307(1)(M) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1857(1)(M)), has specifically prohibited the practice of large-scale driftnet fishing by United States nationals and vessels both within the exclusive economic zone of the United States and beyond the exclusive economic zone of any nation.

(8) The Senate, through Senate Resolution 396 of the 100th Congress (approved on March 18, 1988), has called for a moratorium on fishing in the Central Bering Sea and the United States has taken concrete steps to implement such moratorium through international negotiations.

(9) Despite the continued evidence of a decline in the fishery resources of the Bering Sea and the multiyear cooperative negotiations undertaken by the United States, the Russian Federation, Japan, and other concerned fishing nations, some nations refuse to agree to measures to reduce or eliminate unregulated fishing practices in the waters of the Bering Sea beyond the exclusive economic zones of the United States and the Russian Federation.

(10) In order to ensure that the global moratorium on large-scale driftnet fishing called for in United Nations General Assembly Resolution numbered 46-215 takes effect by December 31, 1992, and that unregulated fishing practices in the waters of the Central Bering Sea are re-

duced or eliminated, the United States should take the actions described in this Act and encourage other nations to take similar action.

(b) POLICY.—It is the stated policy of the United States to—

(1) implement United Nations General Assembly Resolution numbered 46-215, approved unanimously on December 20, 1991, which calls for an immediate cessation to further expansion of large-scale driftnet fishing, a 50 percent reduction in existing large-scale driftnet fishing effort by June 30, 1992, and a global moratorium on the use of large-scale driftnets beyond the exclusive economic zone of any nation by December 31, 1992;

(2) bring about a moratorium on fishing in the Central Bering Sea, or an international conservation and management agreement to which the United States and the Russian Federation are parties that regulates fishing in the Central Bering Sea; and

(3) secure a permanent ban on the use of destructive fishing practices, and in particular large-scale driftnets, by persons or vessels fishing beyond the exclusive economic zone of any nation.

#### TITLE I—HIGH SEAS LARGE-SCALE DRIFTNET FISHING

##### SEC. 101. DENIAL OF PORT PRIVILEGES AND SANCTIONS FOR HIGH SEAS LARGE-SCALE DRIFTNET FISHING.

(a) DENIAL OF PORT PRIVILEGES.—

(1) PUBLICATION OF LIST.—Not later than 30 days after the date of enactment of this Act and periodically thereafter, the Secretary of Commerce, in consultation with the Secretary of State, shall publish a list of nations whose nationals or vessels conduct large-scale driftnet fishing beyond the exclusive economic zone of any nation.

(2) DENIAL OF PORT PRIVILEGES.—The Secretary of the Treasury shall, in accordance with recognized principles of international law—

(A) withhold or revoke the clearance required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91) for any large-scale driftnet fishing vessel that is documented under the laws of the United States or of a nation included on a list published under paragraph (1); and

(B) deny entry of that vessel to any place in the United States and to the navigable waters of the United States.

(3) NOTIFICATION OF NATION.—Before the publication of a list of nations under paragraph (1), the Secretary of State shall notify each nation included on that list regarding—

(A) the effect of that publication on port privileges of vessels of that nation under paragraph (1); and

(B) any sanctions or requirements, under this Act or any other law, that may be imposed on that nation if nationals or vessels of that nation continue to conduct large-scale driftnet fishing beyond the exclusive economic zone of any nation after December 31, 1992.

(b) SANCTIONS.—

(1) IDENTIFICATIONS.—

(A) INITIAL IDENTIFICATIONS.—Not later than January 10, 1993, the Secretary of Commerce shall—

(i) identify each nation whose nationals or vessels are conducting large-scale driftnet fishing beyond the exclusive economic zone of any nation; and

(ii) notify the President and that nation of the identification under clause (i).

(B) ADDITIONAL IDENTIFICATIONS.—At any time after January 10, 1993, whenever the Secretary of Commerce has reason to believe that the nationals or vessels of any nation are conducting large-scale driftnet fishing beyond the exclusive economic zone of any nation, the Secretary of Commerce shall—

(i) identify that nation; and

(ii) notify the President and that nation of the identification under clause (i).

(2) CONSULTATIONS.—Not later than 30 days after a nation is identified under paragraph